

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

JANE DOE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 1:11-cv-1105
	)	
LINDA HOWARD	)	
	)	
and	)	
	)	
RUSSELL HOWARD,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court are Defendant Linda Howard's Motions to Dismiss (Dkt. No. 56 and 58). Ms. Howard maintains that this cause of action should be dismissed under Rule 19 for failure to join a party and because this Court lacks jurisdiction over her husband.

Mr. Howard is presently joined as a party to this lawsuit as he is a named Defendant. Indeed the clerk of court entered default against Mr. Howard on February 10, 2012 (Dkt. No. 36). Thus, the Motion to Dismiss for failure to join is DENIED as moot.

In addition, the jurisdictional defenses Ms. Howard raises in her Motion relate to her husband. This Court previously Ordered (Dkt. No. 45), and put Ms. Howard on notice, that although she may litigate on her own behalf, she may not do so on the behalf of others, including her husband. *Myers v. Loudoun Cnty. Pub. Sch.*, 418 F.3d 395, 400 (4th Cir. 2005) (citations omitted). Should Mr. Howard wish to challenge jurisdiction, he must do so on his own behalf—either with the assistance of counsel or by way of a *pro se* appearance.

Moreover, the Court reminds Defendant that the Rule 16(b) Scheduling Order (Dkt. No. 53) mandates that all Rule 12 issues be raised in one pleading unless leave of Court is first obtained. Ms. Howard first filed a Motion to Dismiss pursuant to 12(b)(1) and (6) (Dkt. No. 38) on February 17, 2012. She failed to seek leave of Court before filing the present motion.

Accordingly, Defendants' Motions to Dismiss are DENIED.

The Clerk is directed to forward copies of this Order to all counsel of record and to the Defendant at the address and email address below.

Linda Howard  
1028 S. Walter Reed Dr. #634  
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It is so ORDERED.

April 17, 2012  
Alexandria, Virginia

/s/ WJ  
Liam O'Grady  
United States District Judge